

July 1, 2019



Hidalgo County Elections
Yvonne Ramón, CERA
Elections Administrator

Austin R. Evers
Executive Director
American Oversight
Vía Email: records@americaoversight.org

RE: PUBLIC INFORMATION REQUEST 2019-142

American Oversight:

Our office is in the receipt of your request for public information dated June 7, 2019.

- *"All communications received from Director of Elections Keith Ingram in the form of directives, guidance, advisories, or instructions to Hidalgo County election officials regarding voter roll maintenance or offering voter roll maintenance leads, and any records reflecting maintenance action taken as a result."*

Hidalgo County Elections Department initially sent this request to seek a decision from the Texas Attorney General on the basis that the request seeks information that may be withheld from disclosure under the Act on June 20, 2019. However, the request for a decision was withdrawn and public information request 2019-142 was sent back to our office for public release on June 27, 2019.

Attached, please find the responsive information to your request.

Should you have any questions, please do not hesitate to contact our office at (956) 318-2570.

Sincerely,

The signature is handwritten in blue ink and appears to read "Salvador Hernandez Jr.".
Salvador Hernandez Jr.
Elections Analyst

101 S. 10th Ave.

Edinburg, Texas 78570

Ph: (956) 318-2570

Fx: (956) 393-2039

Email: elections@co.hidalgo.tx.us

MASS EMAIL ADVISORY (CC/EA/VR-901) - Updates for Early Voting and Election Day

From : Elections Internet <Elections@sos.texas.gov> Sat, Oct 20, 2018 03:00 PM
Subject : MASS EMAIL ADVISORY (CC/EA/VR-901) - Updates for Early Voting and Election Day 2 attachments
To : Elections Internet <Elections@sos.texas.gov>

Dear Election Officials:

As we head into early voting for the November 6, 2018 election, we wanted to provide you all with some additional guidance on a few issues. We also wanted to give you a list of the advisories and that we have issued that are relevant to this election. We hope that by putting this all in one email, it will make it easier for you to locate what you need during the next few weeks.

1. **Early Voting:** Based on email and call volume, and the influx of voter registration applications we saw in our office leading up to the registration deadline, we are anticipating large numbers of voters turning out for this election. Please make sure that you are prepared with enough ballots, supplies, and workers to handle the potential crowds or lines.
2. **Poll Watcher's Guide:** On September 25, 2018, we sent an email to the counties regarding an update to the [Poll Watcher's Guide](#). Specifically on page 10 of the Guide there is a list of prohibited activities for poll watchers. The guide previously stated that poll watchers may not converse with other poll watchers. That prohibition is not expressly provided for in the Texas Election Code. Please note that this does **NOT** change the prohibition on poll watchers' speaking to voters or the judge's authority to limit disruption.
3. **Cancellation Form:** We recently revised Form AW 5-17 [Request to Cancel Application for Ballot by Mail](#). That form, along with the [Spanish](#) version, have been posted to the SOS website. As a reminder, we have a chart that summarizes all of a voter's options for cancelling their mail ballot. This chart is available on the [DocShare](#) site.
4. **Handbook for Election Judges and Clerks:** We have made several small revisions to the Qualifying Voters Handbook. We have included as an attachment to this email, an insert you can use that addresses these small revisions. The handbook now includes:
 - References to [Advisory 2018-29](#), the Advisory on Handguns in Polling Places,
 - Corrects a misstatement on cancellation procedures, and
 - Eliminates a few unnecessary items in the distribution of election records sections.
5. **Law Enforcement in the Polling Place:** We have had several reports of counties preemptively positioning law enforcement in or around polling places for this election. We would like to remind everyone that while the presiding judge does have

the authority to summon law enforcement under 32.073 to preserve order and prevent breaches of the peace, there is the possibility that preemptively stationing law enforcement at polling places could be viewed as voter intimidation. Please be mindful of appearances that undermine voter confidence or you could invite DOJ scrutiny to your election.

6. **Election Security:** As a reminder, the SOS has a [2018 Election Security Update](#) that is currently posted in our website. This provides information on what the current laws and rules are related to election security as well as what steps the SOS has taken to better secure our elections. This may be a helpful guide to election security questions you may get over the course of the next few weeks.
7. **SOS News Releases:** The SOS has issued several news releases this month related to election integrity and resources for [Texas voters affected by severe weather related events](#). To view these news releases and others issued by the SOS please see our page on [news](#).

Below is a list of all advisories that have been issued in 2018 that are relevant to this election. They are listed on your [Conducting Your Elections](#) pages and on our [Election Division Advisories](#) page that is located in our [Forms, Resources, and Legal Library](#). Please note that there are several other advisories we will be issuing in the next two weeks that relate to issues affecting the November 6, 2018 election. These advisories will also be listed on the pages stated above.

No. 2018-34	Electronic Voting System Procedures
No. 2018- 33	Certain Activities in Vicinity of Polling Places
No. 2018-32	Limited Ballot Voters and District Chart
No. 2018-31	Volunteer Deputy Registrars
No. 2018- 30	Revised Procedures for the Partial Manual Count
No. 2018-29	Handguns in Polling Places (KP-0212)
No. 2018-28	Minority Language Requirements
No. 2018-27	Additional Instructions for Preparation of Ballot for Write-In Candidates and Independents, Procedures for Uncontested Candidates Declared Elected, and Legend Printing Instructions
No. 2018-26	Ballot Preparation and Sample Ballots for November 6, 2018 General Election
No. 2018-25	November 6, 2018 Election Law Calendar
No. 2018- 24	Appointment Procedures for County Election Precinct Presiding and Alternate Judges, Election Clerks, Early Voting Ballot Board Members, Signature Verification Committee Members, and Central Counting Station Personnel

<u>No. 2018-05</u>	Emergency Ballot Procedures
<u>No. 2018-04</u>	FWABs and Voters in Hostile Fire Pay and Combat Zones
<u>No. 2018-03</u>	Instructions and Deadlines for Mailing/Emailing Ballots Under the Federal “MOVE Act” for Overseas Voters
<u>No. 2018-02</u>	Ballot by Mail Deadlines; HB 1151, HB 929 (Regular Session); SB 5 (Special Session)

If there is any additional information not listed here that you need, or any other questions you have about the upcoming election as always, feel free to reach out to our Office and we will be happy to assist you. You can email us your questions at elections@sos.texas.gov or call us at 1-800-252-2216, option 2 for the legal department.

Thank you for all that you do to make our elections in Texas a great success.

Keith Ingram
 Director, Elections Division
 Office of the Secretary of State
 800-252-VOTE(8683)
www.sos.state.tx.us/elections/index.shtml
For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Insert for Election Judges and Clerks Handbook 2018 Memo.pdf
 149 KB

MASS EMAIL (CC/EA/VR - 883) -- Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity

From : Elections Internet <Elections@sos.texas.gov> Fri, Jan 25, 2019 04:53 PM
Subject : MASS EMAIL (CC/EA/VR - 883) -- Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity 1 attachment
To : Elections Internet <Elections@sos.texas.gov>

Dear Election Officials:

As you may know, earlier we issued [Advisory 2019-02 - Use of Non-U.S. Citizen Data obtained from the Department of Public Safety](#). In addition to this advisory, the Secretary of State has issued the news release below.

If you receive any requests for the data we are sending you, please contact your county attorney to seek guidance from the Office of the Attorney General on what information is producible under a public information request with respect to this data.

Please let us know if you have any questions or concerns.

Thank you,

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
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Having trouble viewing this email? [View it as a Web page](#).

Texas Secretary of State



David Whitley

FOR IMMEDIATE RELEASE
January 25, 2019

Contact: Sam Taylor
STaylor@sos.texas.gov
512-463-6116

Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity

"Integrity and efficiency of elections in Texas require accuracy of our state's voter rolls"

AUSTIN, TX – Texas Secretary of State David Whitley today issued an [advisory to county voter registrars](#) regarding voter registration list maintenance activities, which include identifying any non-U.S. citizens registered to vote in the State of Texas. For the past year, the Texas Secretary of State's office has worked closely with the Texas Department of Public Safety (DPS) to evaluate information regarding persons identified to not be citizens of the United States. This voter registration list maintenance activity is being conducted in accordance with federal and state law to ensure that only qualified voters - [who must first and foremost be U.S. citizens](#) - are registered to vote in Texas elections.

Through this evaluation, the Texas Secretary of State's office discovered that a total of approximately **95,000** individuals identified by DPS as non-U.S. citizens have a matching voter registration record in Texas, approximately **58,000** of whom have voted in one or more Texas elections. Voting in an election in which the person knows he or she is not eligible to vote is a [second-degree felony in the State of Texas](#). Upon receipt of this information, the Texas Secretary of State's office immediately provided the data in its possession to the Texas Attorney General's office, as the Secretary of State has no statutory enforcement authority to investigate or prosecute alleged illegal activity in connection with an election.

Secretary Whitley issued the following statement:

"Integrity and efficiency of elections in Texas require accuracy of our state's voter rolls, and my office is committed to using all available tools under the law to maintain an accurate list of registered voters. Our agency has provided extensive training opportunities to county voter registrars so that they can properly perform list maintenance activities in accordance with federal and state law, which affords every registered voter the chance to submit proof of eligibility. I would like to thank the Department of Public Safety for providing us with this valuable information so that we can continue to guarantee the right to vote for all eligible Texas voters, who should not have their voices muted by those who abuse the system."

Going forward, the Texas Secretary of State's office will use information it obtains from DPS on a monthly basis to cross-reference with Texas' statewide voter registration database and match potential non-U.S. citizens who have registered to vote. Once a voter registration is identified as a match, the Texas Secretary of State's office will notify the county in which the person is registered so that the county voter registrar can take action.

The following combinations of matches between information in DPS-provided data and the statewide voter registration database are used to identify possible non-U.S. citizens registered to vote:

- Last Name, First Name, and Full Social Security Number;
- Last Name, First Name, and DPS-issued Driver License, Personal Identification Card, or Election Identification Certificate Number; or
- Last Name, First Name, Last Four Digits of Social Security Number, and Date of Birth

If a registered voter is identified as a non-U.S. citizen, he or she should receive a [Notice of Examination \(PDF\)](#) from the county voter registrar indicating that his or her registration status is being examined on the grounds that he or she is not a U.S. citizen. The registered voter will then be required to provide proof of citizenship in order to stay registered, which may be done by submitting to the voter registrar a copy of one of the following documents:

- A certified copy of the voter's birth certificate
- United States passport; or
- Certificate of naturalization (Citizenship certificate)

If the person responds indicating he or she is not a U.S. citizen, or fails to respond to the Notice within 30 days, then the voter registration will be cancelled by the county voter registrar. County voter registrars have been provided with numerous training opportunities to ensure that list maintenance activities are conducted in accordance with state and federal law so as to not affect eligible voters.

Texas voters who wish to check their registration status can visit the Texas Secretary of State's ["Am I Registered?"](#) tool online or [contact the voter registrar in their county of registration.](#)

#

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This email was sent to cadkins@sos.texas.gov using GovDelivery Communications Cloud on behalf of: Texas Secretary of State · 707 17th St, Suite 4000 · Denver, CO 80202



Mass E-mail (VR/EA/V-661) - Additional information pertaining to Advisory 2019-02**From :** Elections Internet <Elections@sos.texas.gov>

Fri, Feb 01, 2019 11:46 AM

Subject : Mass E-mail (VR/EA/V-661) - Additional information pertaining to Advisory 2019-02

1 attachment

Dear Voter Registrars/Election Administrators-

On Friday, we issued [Advisory No. 2019-02](#) related to your requirement to conduct list maintenance activities. As you know, list maintenance activities are an ongoing process, and we thank you for your collaboration and feedback thus far. The data we provide to you is the starting point, and your data matches should be reviewed before you send out any Notices of Examination. Many of you have begun working through the lists to determine whether or not you should issue a Notice of Examination to registered voters who were matched to the data requested from DPS. We are working with DPS as part of our ongoing collaboration between the state and the counties to provide additional information to assist you in making your determinations. After speaking to a number of counties, we wanted to share some of the tools and resources that we have found counties are using to help identify potential matches that will not have a Notice of Examination issued.

- 1. Review your application files:** Look at the sources you have for the current or previous applications (if available). Any application electronically transmitted from DPS should indicate citizenship was verified by DPS at the time the voter registration application was submitted. Some county voter registrars or VDRs participate in naturalization ceremonies and maintain lists of naturalized citizens or can identify which applications were completed at a naturalization ceremony. Additionally, a voter may have previously been issued a Notice of Examination for citizenship and provided such documentation. If you have that documentation on file, you would not need to issue a new Notice of Examination.
- 2. Look to other entities that may have verified citizenship.** As a reminder, under Section 16.033, Texas Election Code, the voter registrar has the right to use any lawful means to investigate whether a registered voter is currently eligible for registration in the county. There are other governmental entities in or around your county that may have verified citizenship. Several counties have informed us that they are reaching out to local immigration offices to determine whether or not they can obtain lists from these sources.

Please note a person may provide proof of citizenship by personal delivery, mail, fax or scanned attachment sent via email.

In addition, several counties have contacted us about receiving public information requests pertaining to Advisory 2019-02 and the data that our office has provided to counties in connection with that advisory. It is our understanding that the Office of the Attorney General ("OAG") believes information related to the advisory, including data provided to the counties by our office and the counties' correspondence with voters, may constitute law enforcement

information excepted from disclosure under the Public Information Act (Texas Government Code § 552.108). Information sought in the requests may relate to pending or reasonably anticipated litigation involving the advisory (Texas Government Code § 552.103). If you receive a public information request, please contact your county attorney to request a ruling from the OAG's Open Records Division and to notify any appropriate third parties (including the OAG's Public Information Coordinator at publicrecords@oag.texas.gov) so that these parties may submit their own arguments regarding disclosure to protect the privacy of those involved. For additional questions related to public information requests, please contact the Open Government Section of the OAG at [\(512\) 478-6736](tel:(512)478-6736) or Toll Free: [\(877\) 673-6839](tel:(877)673-6839).

Our goal in this process is two-fold: (1) Maintain accurate voter registration rolls by conducting routine list maintenance activities as required by federal law, and (2) Ensure that eligible voters maintain their registration. It is our goal to provide you with the tools necessary to meet both of these goals. The feedback we are getting from you regarding your data is vital to this process. Like many other election and voter registration activities, we are working together on this. We thank you for your feedback and continue to welcome any further feedback so that we can work together to ensure an effective and efficient process of maintaining an accurate list of registered voters going forward.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
www.sos.state.tx.us/elections/index.shtml
For Voter Related Information, please visit:



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MASS EMAIL-- (EA/VR 633) -- Additional guidance based on feedback pertaining to Advisory 2019-02

From : Elections Internet <Elections@sos.texas.gov> Fri, Feb 15, 2019 03:41 PM
Subject : MASS EMAIL-- (EA/VR 633) -- Additional guidance based on feedback pertaining to Advisory 2019-02 1 attachment

Hello everyone,

Over the last two weeks, we have continued to receive feedback from you on [Advisory 2019-02](#). Based on this feedback, we'd like to offer the following additional guidance:

1. **Weak matches don't require you send a Notice of Examination:** As we stated in the Advisory, for this matching program, we used our STRONGEST matching criteria (First Name, Last Name full 9 of SSN; First Name, Last Name, Full DL number; First Name, Last Name, Last 4 or SSN and DOB), but we have instructed you to treat them like WEAK matches. As you know, by treating it like a weak match, you do NOT automatically take action on it. For weak matches, you have the authority to use any lawful means necessary to investigate. After you have investigated, if you do not feel confident sending the Notice of Examination to the voter in question you are not required to take action on it.
2. **Compare dates of registration to dates of last DPS transaction:** If a registered voter in your county has an Effective Date of Registration (EDR) BEFORE the date of the voter's last (most recent) transaction with DPS during which the individual indicated that he or she is not a U.S. citizen and provided proof of lawful presence, we recommend you prioritize those matches for sending notices of examination.
3. **Reinstatement Process:** If you choose to send out a Notice of Examination and a voter is subsequently cancelled for a failure to respond to the notice, that voter's registration will be cancelled. If the voter later appears and provides proof of citizenship, these voters **MUST** be reinstated. Reinstatement of registration takes effect **immediately**.
4. **Clerical Errors on Application Processing:** A number of counties have informed us that they are discovering their own errors in processing applications. Specifically, a voter submitted a voter registration application, marked "no" on the US Citizenship question, but the county mistakenly registered that voter. For these voters, you do **NOT** have the authority to cancel them. Despite the fact the error was made when the application was submitted, these are now registered voters and have the rights associated with being a registered voter. You would need to send the Notice of Examination to these voters to allow them the opportunity to respond and provide proof of citizenship. If they do not respond, you would cancel for failure to respond.
5. **Allowable Documentation:** We've had a number of questions about the allowable documentation. Below are the issues we've been asked for guidance on:
 - a. **Submission of documents:** Under 1.007 of the Texas Election Code, proof of citizenship can be provided via personal delivery, mail, fax or **email**.
 - b. **Types of documents:** Per 16.0332 of the Texas Election Code, a voter must respond to any Notice of Examination sent out for this purpose by providing a certified copy of a vote's birth certificate,

US passport or passport card, or citizenship papers or any other form prescribed by the Secretary of State. A **copy** of any of the above mentioned documents is sufficient to provide proof of citizenship.

6. **Voter requests for individual data:** A number of counties have told us that voters are proactively reaching out to the counties to inquire as to whether or not they have been identified by DPS as a noncitizen because they want to proactively provide proof of citizenship, if necessary. If you are able to verify that the inquiring registered voter has indeed been identified as a noncitizen, you may confirm that fact to the registered voter and advise the voter that he or she has the option of:

- a. Responding to a Notice of Examination letter affirming his or her US citizenship; or
- b. Providing proof of US citizenship to the voter registrar in person or by mail, fax or email

Once the individual's citizenship has been verified by your office, you should mark the task 'RESOLVED' and no further action will be required.

Thank you very much for your work on this project as well as the other daily voter registration work that you do so well. We are determined to be your partners in this work. If there is anything that we can do or that you think we should know, please feel free to contact us directly.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml

For Voter Related Information, please visit:



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Fwd: MASS EMAIL--VR/EA (633)--Advisory 2019-03 - Court Orders in Pending Litigation

From : yvonne ramon <yvonne.ramon@co.hidalgo.tx.us> Mon, Mar 04, 2019 12:24 PM
Subject : Fwd: MASS EMAIL--VR/EA (633)--Advisory 2019-03 - Court Orders in Pending Litigation  3 attachments
To : Josephine Ramirez <josephine.ramirez@da.co.hidalgo.tx.us>, Victor Garza <victor.garza@da.co.hidalgo.tx.us>, Jennifer Smith <jennifer.smith@da.co.hidalgo.tx.us>
Cc : hilda salinas <hilda.a.salinas@co.hidalgo.tx.us>

FYI...the three court orders have now been consolidated into one case.

Respectfully,

Yvonne Ramón, CERA

Elections Administrator
County of Hidalgo
(956)318-2570

From: "Elections Internet" <Elections@sos.texas.gov>
To: "Elections Internet" <Elections@sos.texas.gov>
Sent: Monday, March 4, 2019 12:02:13 PM
Subject: MASS EMAIL--VR/EA (633)--Advisory 2019-03 - Court Orders in Pending Litigation

ELECTION ADVISORY
NO. 2019-03

TO: Voter Registrars/Elections Administrators
FROM: Keith Ingram, Director of Elections
DATE: March 4, 2019
RE: Court orders in pending litigation involving non-citizen list maintenance process

We are writing to advise you of developments on the recently initiated non-citizen list maintenance process. As you know, lawsuits challenging this process were filed in federal courts in San Antonio, Corpus Christi, and Galveston over the last month. These lawsuits were recently consolidated into one case before Judge Fred Biery in the Western District of Texas, San Antonio Division.

On February 27 and February 28, the district court entered the attached preliminary orders. The district court noted the “unanimity among the parties, counsel and the Court that non-American citizens are ineligible to vote.” And the district court acknowledged that the non-citizen list maintenance process was performed in good faith to carry out statutory list maintenance duties. At the same time, counties should pause their efforts on this list maintenance process as they continue to review the now-refined data generated from the DPS database.

In this case, and in previous cases involving voter roll maintenance, the Secretary of State has maintained that he lacks the power to order counties to update their voter rolls. However, pursuant to the district court’s February 27 order, the Secretary of State advises all counties “not to send any notice of examination letters nor remove voters from registration without prior approval of the Court with a conclusive showing that the person is ineligible to vote.” I am alerting you that the district court ordered that, in relation to the list at issue in Election Advisory No. 2019-02, local officials are “not to remove any person from the current voter registration list until authorized by this Court.” These provisions of the district court’s order do “not prohibit the removal of any person based upon information independent of Advisory 2019-02, such as death, relocation or felony conviction,” or the removal of any persons who are excused or disqualified from jury service because of non-citizen status or persons who request to be removed from the rolls because of their lack of citizenship.

Additionally, to the extent that the Secretary of State provides subsequent lists of potential non-citizen matches on a monthly basis, this office advises all counties “not to send notice of examination letters nor remove voters from registration without prior approval of the Court,” as indicated in the district court’s February 27 order. Again, this “does not prohibit the removal of any person based upon information independent of Advisory 2019-02, such as death, relocation or felony conviction,” or the removal of any persons who are excused or disqualified from jury service because of non-citizen status or persons who request to be removed from the rolls because of their lack of citizenship.

Please also note that the district court’s order allows local officials to “continue to find out if in fact someone is registered who is not a citizen, so long as it is done without communicating directly with any particular individual on the list.” Pursuant to the district court’s order, if voters “initiate the contact with a county elections administrator,” you may communicate directly with these individuals.

As we learn more, we will update you.

Sincerely,

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml
For Voter Related Information, please visit:



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 **Order 2.27.19.pdf**
62 KB

 **Order 2.28.19.pdf**
35 KB

MASS EMAIL--VR/EA (633)--Advisory 2019-03 - Court Orders in Pending Litigation

From : Elections Internet <Elections@sos.texas.gov> **Mon, Mar 04, 2019 12:02 PM**
Subject : MASS EMAIL--VR/EA (633)--Advisory 2019-03 - Court **3 attachments**
Orders in Pending Litigation
To : Elections Internet <Elections@sos.texas.gov>

ELECTION ADVISORY
NO. 2019-03

TO: Voter Registrars/Elections Administrators
FROM: Keith Ingram, Director of Elections
DATE: March 4, 2019
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As we learn more, we will update you.

Sincerely,

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml

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Order 2.27.19.pdf
62 KB

Order 2.28.19.pdf
35 KB

MASS EMAIL (EA/VR-683) -- Notice To Counties Regarding Test Data In TEAM

From : Elections Internet <Elections@sos.texas.gov>
Subject : MASS EMAIL (EA/VR-683) -- Notice To Counties
Regarding Test Data In TEAM
To : Elections Internet <Elections@sos.texas.gov>

Mon, Mar 11, 2019 04:36 PM

1 attachment

Dear County Officials,

We would like to inform you that your office may have received some list maintenance files this morning in error. These files should not have been sent to your county. Working through our vendor, we were in the process of running data in our test environment; however, due to a technical error, it inadvertently got pushed out into production.

For online counties, the dashboard activities related to these files were immediately removed. For offline counties receiving a voter export file, we ask that you completely disregard the file. Please do not move forward in working with that data at this time.

If you have any additional questions, please do not hesitate to contact our office at (512)262-8683 or at Elections@sos.texas.gov.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
www.sos.state.tx.us/elections/index.shtml
For Voter Related Information, please visit:



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MASS EMAIL (CC/EA/VR -881) -- Secretary Whitley Announces Settlement In Litigation On Voter Registration List Maintenance Activity

From : Elections Internet <Elections@sos.texas.gov> Fri, Apr 26, 2019 03:51 PM
Subject : MASS EMAIL (CC/EA/VR -881) -- Secretary Whitley
Announces Settlement In Litigation On Voter Registration
List Maintenance Activity  1 attachment
To : Elections Internet <Elections@sos.texas.gov>

Dear County Election Officials and Voter Registrars,

Please see the [news advisory](#) below regarding the settlement of the litigation on list maintenance activities. Please be advised that we will be sending out more details and instructions to you regarding the new process going forward.

Thank you,

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)

www.sos.state.tx.us/elections/index.shtml

For Voter Related Information, please visit:



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Texas Secretary of State



David Whitley

FOR IMMEDIATE RELEASE
April 26, 2019

Contact: Sam Taylor
STaylor@sos.texas.gov
512-463-6116

Secretary Whitley Announces Settlement In Litigation On Voter Registration List Maintenance Activity

Plaintiffs agree to dismiss all claims against the Texas Secretary of State

AUSTIN, TX – Today, the parties to *LULAC v. Whitley* (and consolidated cases) agreed to a settlement in the litigation regarding the Texas Secretary of State's [voter registration list maintenance activity announced on January 25, 2019](#) to identify and remove non-U.S. citizens registered to vote in Texas. All parties agreed to a mutually acceptable process by which the Texas Secretary of State's office can continue to conduct voter registration list maintenance required under both state and federal law while eliminating the impact of any list maintenance on eligible Texas voters. The plaintiffs agreed to dismiss all of their claims and the Texas Secretary of State's office agreed to issue a new advisory notifying Texas counties on the revised process for identifying and removing non-U.S. citizens from the state's voter rolls.

Secretary Whitley issued the following statement regarding the settlement agreement:

"I want to thank the Texas Legislature, county election officials from across the state, and the parties in this litigation for working with our office to develop a sustainable non-citizen list maintenance process. From the beginning, this process was designed to be collaborative, and today's agreement reflects a constructive collaboration among all stakeholders. It is of paramount importance that Texas voters can have confidence in the integrity, accuracy, and efficiency of the electoral system in which they participate. Today's agreement accomplishes our office's goal of maintaining an accurate list of qualified registered voters while eliminating the impact of any list maintenance activity on naturalized U.S. citizens. I will continue to work with all stakeholders in the election community to ensure this process is conducted in a manner that holds my office accountable and protects the voting rights of eligible Texans."

As part of the settlement, the parties agreed to a revised list maintenance process for the Texas Secretary of State's office to utilize in matching Texas Department of Public Safety (DPS) data regarding potential non-U.S. citizens with Texas' voter registration database. The parties agreed that, going forward, the Texas Secretary of State's office will send to county voter registrars only the matching records of individuals who registered to vote before identifying themselves as non-U.S. citizens to DPS when applying for a driver license or personal identification card. This will ensure that naturalized U.S. citizens who lawfully registered to vote are not impacted by this voter registration list maintenance process.

###

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STaylor@sos.texas.gov

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MASS EMAIL--VR/EA--Settlement update

From : Elections Internet <Elections@sos.texas.gov>
Subject : MASS EMAIL--VR/EA--Settlement update
To : Elections Internet <Elections@sos.texas.gov>

Fri, May 03, 2019 08:43 AM

1 attachment

Dear Voter Registrars and Elections Administrators,

As we alerted you last Friday, the parties reached a settlement of the three federal lawsuits challenging the list maintenance activity announced in Election Advisory 2019-02. The district court entered an order dismissing all three cases on Monday, April 29, 2019.

As part of the settlement, the Secretary of State's office has rescinded Election Advisory 2019-02. We advise you to take no further action on any data files that our office sent you in connection with Election Advisory 2019-02. For online counties and offline counties using the dashboard, we have closed all tasks related to these data files. We urge other offline counties to close all tasks associated with any data files that we sent you for this list maintenance activity.

In addition, if you sent any voter a notice of examination as a result of Election Advisory 2019-02, please send that voter a new letter advising them that they are still registered to vote and that their voter registration status is no longer in question. You do not need to send this additional notice if the individual has contacted your office and asked to be removed from the voter rolls or if there is some other basis for investigating the eligibility of the voter. We understand that some counties have already sent additional notices to certain voters; however, if you have not done so and have questions about the appropriate language to use in these notices, please contact our office before issuing notices to any voters.

Consistent with the parties' settlement, we anticipate issuing a new advisory related to the agreed-upon and revised list maintenance process in the coming weeks.

Thank you for your assistance in these matters and for all of your hard work going into the May elections. If you have any questions regarding this e-mail, please give us a call.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
www.sos.state.tx.us/elections/index.shtml
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attorney when your legal rights are involved.
